

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CC.MEXICANO.US, LLC,

Plaintiff(s),

vs.

AERO II AVIATION, INC., et al.,

Defendant(s).

Case No. 2:14-cv-00108-JCM-NJK

ORDER

(Docket No. 115)

Pending before the Court is Plaintiff's motion to compel discovery propounded on Defendant Stephen Crittenden. Docket No. 115. Defendant filed a response in opposition and Plaintiff filed a reply. Docket Nos. 143, 144. The Court finds the motion properly decided without oral argument. *See* Local Rule 78-2. For the reasons discussed below, the motion to compel is hereby DENIED without prejudice.

At the time that Defendant responded to the discovery at issue, he was represented by counsel. *See, e.g.*, Docket No. 115 at 44 (interrogatory responses prepared by Defendant's then-counsel). At this time, however, Defendant is proceeding in this case *pro se*. *See, e.g.*, Docket No. 143. While parties proceeding *pro se* are still responsible for complying with applicable rules and orders, "the Ninth Circuit has repeatedly emphasized the Court's obligation to construe the filings of *pro se* parties liberally." *Hall v. Smart & Final Stores, LLC*, 2015 U.S. Dist. Lexis 20223, *3 (D. Nev. Feb. 17, 2015). "This relieves *pro se* litigants from strict application of procedural rules and demands that courts not hold missing or inaccurate legal terminology or muddled draftmanship against them." *Blaisdell v. Frappiea*, 729 F.3d 1237, 1241 (9th Cir. 2013).

1 In this case, Defendant filed a response to the motion to compel that was largely inapposite to
2 the issues currently before the Court. *See* Docket No. 143. Nonetheless, Defendant’s former counsel
3 responded to the disputed discovery with various objections. *See, e.g.*, Docket No. 115 at 45. Plaintiff’s
4 briefing in support of its motion does not meaningfully address those objections. *See* Docket No. 115-1
5 at 4. Instead, Plaintiff’s briefing generally lists the various objections *en masse* without addressing how
6 they relate to any particular disputed discovery request, and then indicates that Defendant has failed to
7 explain how the objections apply. *See id.* Plaintiff asserts that Defendant “should be required to specify
8 exactly what he finds objectionable about” the discovery requests. *See id.* In light of Defendant’s *pro*
9 *se* status and in light of the obvious merit to some of the objections raised by Defendant’s former
10 counsel, the Court disagrees.¹

11 For example, Plaintiff propounded an interrogatory requiring Plaintiff to “state with specificity
12 all facts relating to YOUR communications with Plaintiff, Defendant Aero, Defendant Blood, Charles
13 Wright, EMS Global One, Inc. and Federal Aviation Title Company LLC from January 1, 2011 to
14 present related to matters alleged in the FAC.” *See* Docket No. 115 at 45. Defendant objected that such
15 a request was, *inter alia*, overly broad and vague. Such an objection appears meritorious on the face of
16 the record since the interrogatory as written would encompass such facts as the phone number used to
17 call any of the above persons or entities, whether there was static on the phone line, and whether any
18 such telephone call was patched through an assistant.²

19 On the other end of the spectrum, however, it appears that some of Defendant’s responses do
20 require supplementation. For example, in responding to the interrogatory seeking facts relating to
21 Defendant’s role and relationship with Aero II, Defendant responded that he “has no legal relationship
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24 ¹ As an initial matter, Plaintiff contends that all objections were waived because Defendant failed
25 to respond to the propounded discovery in a timely manner. *See* Docket No. 115-1 at 4, 7. This argument
26 is not developed in a meaningful way and, as such, the Court declines to address it. *See, e.g., Kor Media*
LLC v. Green, 294 F.R.D. 579, 582 n.3 (D. Nev. 2013).

27 ² This issue is by no means limited to this particular interrogatory. For example, the interrogatory
28 seeking “all facts” related to meetings with Plaintiff, *see* Docket No. 115 at 46, would encompass such facts
as the clothes that each participant wore and whether he or she drank coffee during the meeting.

1 or role with Aero.” *See* Docket No. 115 at 44-45. Whether Defendant has a legal relationship is not the
2 question posed, and the Court finds the answer provided to be evasive.

3 In addition to the above, Defendant’s attorneys withdrew as counsel after the filing of the instant
4 motion and, therefore, it appears that Plaintiff’s meet-and-confer efforts were directed at Defendant’s
5 former counsel rather than to Defendant himself. *See* Docket No. 115-2 (describing meet-and-confer
6 efforts); *see also* Docket No. 119 (motion to withdraw). Now that Defendant is appearing *pro se*, it
7 makes sense that further meet-and-confer efforts should be made based on the circumstances of this case.

8 The Court declines to address the 34 discovery requests and responses at issue based on the
9 briefing before it and without additional meet-and-confer efforts involving Defendant himself. As noted
10 above, it appears plain that some of the discovery requests are improper and it also appears plain that
11 some of the discovery responses were improper. The Court hereby **ORDERS** Defendant and Plaintiff’s
12 counsel to meet and confer about the pending discovery disputes no later than August 10, 2015. The
13 parties should carefully review the discovery requests and responses thereto, and meaningfully address
14 them in the meet-and-confer process. The Court expects all or most of the disputes should be resolved
15 without further Court intervention, and the Court will not look favorably on any unreasonable conduct
16 in attempting to resolve the disputes.

17 The Court further **ORDERS** that Plaintiff may renew its motion to compel following such
18 conference to the extent necessary, but any renewed motion must specifically address each objection
19 raised by Defendant’s former counsel separately for each disputed discovery response. The Court further
20 **ORDERS** Defendant’s response to any renewed motion to compel must separately address each
21 disputed discovery request. Any renewed motion to compel must be filed no later than August 24, 2015.

22 In light of the above, the pending motion to compel is hereby **DENIED** without prejudice.

23 IT IS SO ORDERED.

24 DATED: July 20, 2015

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28 NANCY J. KOPPE
United States Magistrate Judge